

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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SEP - 3 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendment of Section 73.606(b),	)	MM Docket No. _____
Table of Allotments,	)	RM- _____
Television Broadcast Stations,	)	Facility ID No. 127414
(Lexington, Kentucky)	)	
In re Applications of	)	
	)	
Pappas Telecasting of America,	)	File No. BPCT-19960722KH
A California Limited Partnership	)	
	)	
Television Capital Corporation of Lexington	)	File No. BPCT-19960920WQ
	)	
Marri Broadcasting, L.P.	)	File No. BPCT-19960920IM
	)	
To: Chief, Video Division		
Media Bureau		

**PETITION FOR RECONSIDERATION**

Pappas Telecasting of America, A California Limited Partnership ("Pappas"), Television Capital Corporation of Lexington ("TCC"), Marri Broadcasting, L.P. ("Marri"), and ACME Communications, Inc. ("ACME")<sup>1</sup> (collectively "Petitioners"), by their respective counsel and pursuant to Sections 1.429 and 1.106 of the Commission's rules, 47 C.F.R. §1.429, §1.106, hereby seek reconsideration of an FCC letter dated August 5, 2002 (Reply Ref. 2-A726) ("FCC Letter"), in which the Associate Chief, Video Division, Media Bureau (the "Bureau"), dismissed Petitioners' pending rulemaking petition seeking the allotment of NTSC Channel 20 to

<sup>1</sup> ACME is the proposed permittee under the applicants' pending settlement proposal.

Lexington, Kentucky, as well as the underlying applications of Pappas, TCC, and Marri for a new television station to operate on Channel 62 at Lexington (File Nos. BPCT-19960722KH, BPCT-19960920WQ, and BPCT-19960920IM). In support of this petition, the following is stated:

In the FCC Letter, the Bureau noted that the proposed allotment of Channel 20 to Lexington is short-spaced to (i) ACME's co-channel Station WBXX-TV, Crossville, Tennessee, and (ii) Station WKYT-TV, Channel 27, Lexington, Kentucky. The Bureau also acknowledged that Petitioners have requested a waiver of the distance separation requirements contained in Sections 73.610 and 73.698 of the Commission's rules to effectuate their proposal. FCC Letter at 1-2. The FCC Letter also stated that, according to the Bureau's engineering review, the proposed allotment of Channel 20 to Lexington would cause 1.7% interference to a DTV construction permit for Station WBKI-DT, Campbellsville, Kentucky (File No. BPCDT-19991101AKV), and 2.3% interference to a DTV construction permit for Station WUPX-DT, Morehead, Kentucky (File No. BPCDT-19991020ACE). The FCC Letter therefore dismissed Petitioners' rulemaking petition because, according to the Bureau, the proposal does not meet the requisite interference protection requirements with respect to DTV stations and allotments. Because of the DTV problem, the Commission did not address Petitioners' request for waiver of the NTSC distance separation requirements. FCC Letter at 2 and n. 5.

As a result of its dismissal of Petitioners' rulemaking petition, the Bureau also dismissed the underlying applications for the proposed new television station in Lexington. *Id.* at 3.

Despite the Bureau's findings, the FCC Letter should be reversed because the Bureau erred in its determination that the proposed allotment of Channel 20 to Lexington would cause interference to Stations WBKI-DT and WUPX-DT. Through informal discussions with the

Commission's staff, Petitioners have been advised that, in conducting its engineering review of the proposed allotment, the Bureau's engineering staff did not use the correct reference coordinates for the proposed allotment, nor did it consider the proposed directional antenna pattern. Attached hereto is a copy of Petitioners' technical proposal which was filed with the Commission on March 8, 2002, in support of Petitioners' "Amendment to Petition for Rulemaking." As demonstrated therein, Petitioners' current technical proposal will not cause any interference to either WBKI-DT and WUPX-DT. Therefore, Petitioners respectfully request that the FCC Letter be reversed or rescinded and that the underlying applications be reinstated.

WHEREFORE, in light of the foregoing, Petitioners respectfully request that the FCC Letter be reversed, and that the "Amendment to Petition for Rulemaking" filed March 8, 2002, and the underlying applications for the new television station in Lexington, Kentucky filed by Pappas, TCC, and Marri (File Nos. BPCT-19960722KH, BPCT-19960920WQ, and BPCT-19960920IM) be reinstated *nunc pro tunc*.

Respectfully submitted,

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A CALIFORNIA LIMITED PARTNERSHIP

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Kathleen Victory

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September 3, 2002

**TechWare, Inc.**

**Supplement to Technical Details Pertaining  
to  
The Substitution of Analog Channel 20 for  
Analog Channel 62  
at  
Lexington, KY  
February 19, 2002**

**For**

**Acme Television**

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# **Techware Inc.**

**Supplement to Technical Details Pertaining  
to  
The Substitution of Analog Channel 20 for Analog Channel 62  
at  
Lexington, KY  
February 19, 2002**

*It has been previously proposed to substitute analog channel 20 for channel 62 at Lexington, KY. The reference coordinates previously proposed*

*37-48-39 North Latitude and 84-18-01 West Longitude*

*are now amended to*

*37-47-24 North Latitude and 84-15-33 West Longitude.*

The site change is to allow for co-location with another station on a new tower that will be constructed at this location.

As in the earlier submission the proposed reference coordinates will result in the allotment not being in complete compliance with FCC Rules and Regulations Section 73.610 and Section 73.698 in that it would be short spaced to the following stations:

WBXX-TV Channel 20 CROSSVILLE, TN  
Required separation 280.8 - Actual separation 186.7 (94.1 km short)

WKYT-TV Channel 27 LEXINGTON, KY  
Required separation 95.7 - Actual separation 30.4 (65.3 km short)

The previous filing requested a waiver of the spacing requirements and noted that the new facility would be engineered and constructed in cooperation with the Crossville, TN station to limit the amount of interference caused. In addition, it was stated that improved receiver design has reduced the need for the n+7 spacing requirement and noted that the FCC has granted similar waiver requests. It is also noted that the proposed facility and the Crossville station will have common ownership and that the owner is willing to accept a reasonable amount of interference to its Crossville facility.

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The previous filing however did not propose a facility for the requested allotment. In order to demonstrate that it is possible to design a facility that would limit the interference caused to other stations the following is proposed for the location noted above.

Effective Radiated Power (ERP): 2,500 kW  
Radiation Center Above Mean Sea Level (RCAMSL) 612 m  
Directional Antenna: Dielectric Model TUA\_C2B (Pattern Attached)

Using these parameters an OET Bulletin 69 Longley-Rice interference analysis was performed. That analysis indicates that no interference would be caused to any DTV allotments, DTV authorizations or applied for DTV facilities. In addition, the analysis indicated that interference to WBXX-TV NTSC channel 20 Crossville, TN would be limited to 368 people out of a Grade B service of 1,390,888 or 0.027% of the total population. This interference would occur in a small area of Whitley county Kentucky. Whitley county is not within the Crossville station's DMA and in fact is part of the Lexington, KY DMA.

Furthermore the analysis indicated that interference to WKYT-TV NTSC channel 27 Lexington, KY would only affect 467 people (14 in Menifee county and 453 in Powell county Kentucky). This is only 0.07% of the WKYT-TV Grade B service.

It should be noted that the proposed antenna pattern has a maximum-to-minimum ratio of 38 dB that is more than allowed by FCC Rules Section 73.685(e). However, this is a standard antenna pattern available from Dielectric and antennas with similar ratios have been authorized for other stations. It is further noted that this pattern is actually more restrictive than needed to protect the Crossville station. It was selected as an available "off-the-shelf" pattern that provides the needed protection and avoided the need at this point to specifically design a more appropriate pattern. The actual maximum-to-minimum ratio needed is approximately 19 dB and if the ratio is reduced to 15 dB the interference caused to the Crossville station would still only be 0.42%. If the proposed channel substitution is granted then a more reasonable antenna pattern can be engineered. The proposed pattern only serves to demonstrate that it is possible to protect the Crossville facility.

It is also noted that the above parameters will permit full City Grade coverage of Lexington, KY. It will also provide service to the Lexington area at a level that is on par with the other existing stations in the market thereby providing the public with an additional media source that would otherwise be denied if this facility is not permitted to be built.

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In view of this and for the reasons stated in the previous engineering statement it is believed that a waiver of the spacing requirements of Section 73.610 are justified.

Prepared by:  
William R. Meintel  
TechWare, Inc.



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# Dielectric

Exhibit No.  
#1

Date	18 Feb 2002	
Call Letters	NEW	Channel 20
Location	Lexington, KY	
Customer		
Antenna Type	TUA-C2-08/16U-T	

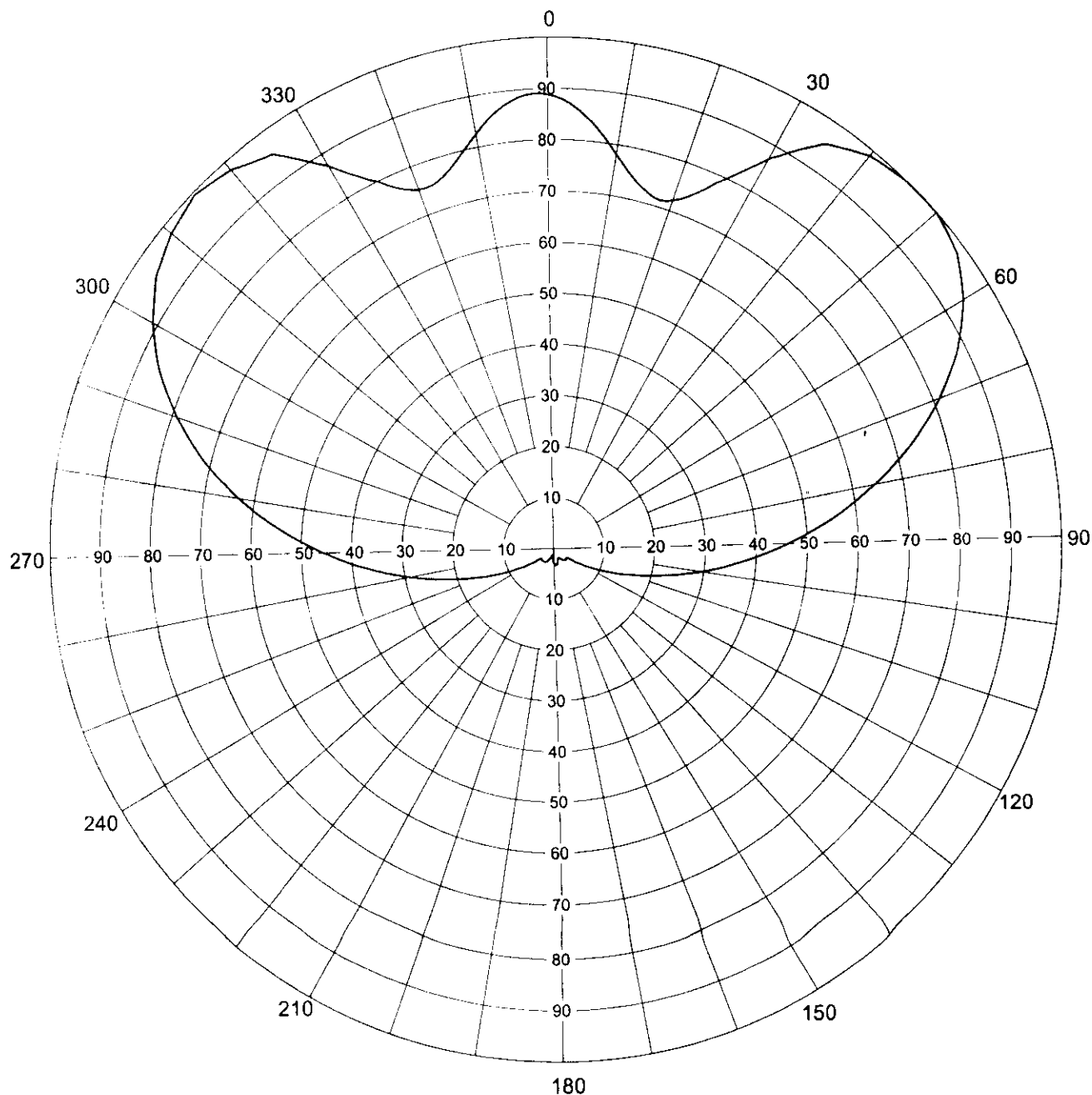
## AZIMUTH PATTERN

RMS Gain at Main Lobe  
Calculated / Measured

2.80 (4.47 dB)  
Calculated

Frequency  
Drawing #

509 MHz  
TUA-C2



Remarks:

Exhibit No.  
#1

# Dielectric

Date	18 Feb 2002
Call Letters	NEW
Location	Lexington, KY
Customer	
Antenna Type	TUA-C2-08/16U-T

## TABULATION OF AZIMUTH PATTERN

**Azimuth Pattern Drawing # TUA-C2**

[illegible]

Remarks:



Exhibit No.

#1

Date

18 Feb 2002

Call Letters

NEW

Channel 20

Location

Lexington, KY

Customer

Antenna Type

TUA-C2-08/16U-T

## TABULATION OF AZIMUTH PATTERN

Azimuth Pattern Drawing # TUA-C2

Angle	Field	ERP (kW)	ERP (dBk)
0	0.889	1975.8	32.96
10	0.782	1528.8	31.84
20	0.722	1303.2	31.15
30	0.873	1905.3	32.80
40	0.989	2445.3	33.88
50	1.000	2500.0	33.98
60	0.941	2213.7	33.45
70	0.812	1648.4	32.17
80	0.642	1030.4	30.13
90	0.461	531.3	27.25
100	0.292	213.2	23.29
110	0.156	60.8	17.84
120	0.063	9.9	9.97
130	0.031	2.4	3.81
140	0.030	2.3	3.52
150	0.022	1.2	0.83
160	0.022	1.2	0.83
170	0.031	2.4	3.81
180	0.030	2.3	3.52
190	0.017	0.7	-1.41
200	0.015	0.6	-2.50
210	0.028	2.0	2.92
220	0.032	2.6	4.08
230	0.032	2.6	4.08
240	0.063	9.9	9.97
250	0.155	60.1	17.79
260	0.290	210.3	23.23
270	0.456	519.8	27.16
280	0.631	995.4	29.98
290	0.791	1564.2	31.94
300	0.911	2074.8	33.17
310	0.979	2396.1	33.80
320	0.981	2405.9	33.81
330	0.874	1909.7	32.81
340	0.753	1417.5	31.52
350	0.826	1705.7	32.32

## Maxima

Angle	Field	ERP (kW)	ERP (dBk)
50	1.000	2500.0	33.98
135	0.032	2.6	4.08
175	0.032	2.6	4.08
226	0.032	2.6	4.08
315	0.995	2475.1	33.94
358	0.891	1984.7	32.98

## Minima

Angle	Field	ERP (kW)	ERP (dBk)
18	0.715	1278.1	31.07
128	0.031	2.4	3.81
155	0.019	0.9	-0.45
195	0.012	0.4	-4.44
235	0.031	2.4	3.81
341	0.751	1410.0	31.49

Remarks:



Exhibit No.

#1

Date

18 Feb 2002

Call Letters

NEW

Channel 20

Location

Lexington, KY

Customer

Antenna Type

TUA-C2-08/16U-T

## ELEVATION PATTERN

RMS Gain at Main Lobe

15.7 (11.96 dB)

Beam Tilt

0.75 Degrees

RMS Gain at Horizontal

13.7 (11.37 dB)

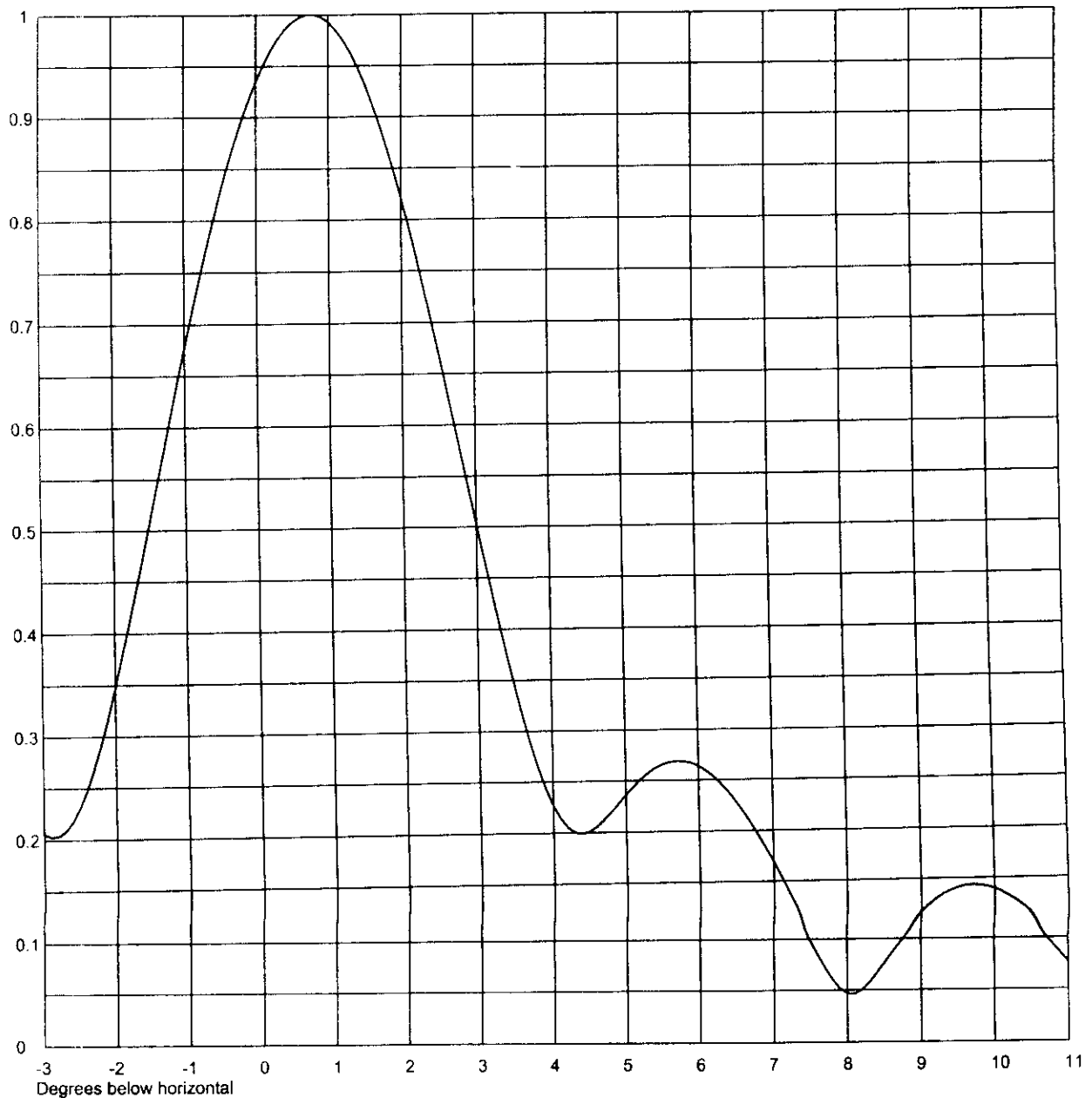
Frequency

509.00 MHz

Calculated / Measured

Drawing #

08U157075



Remarks:

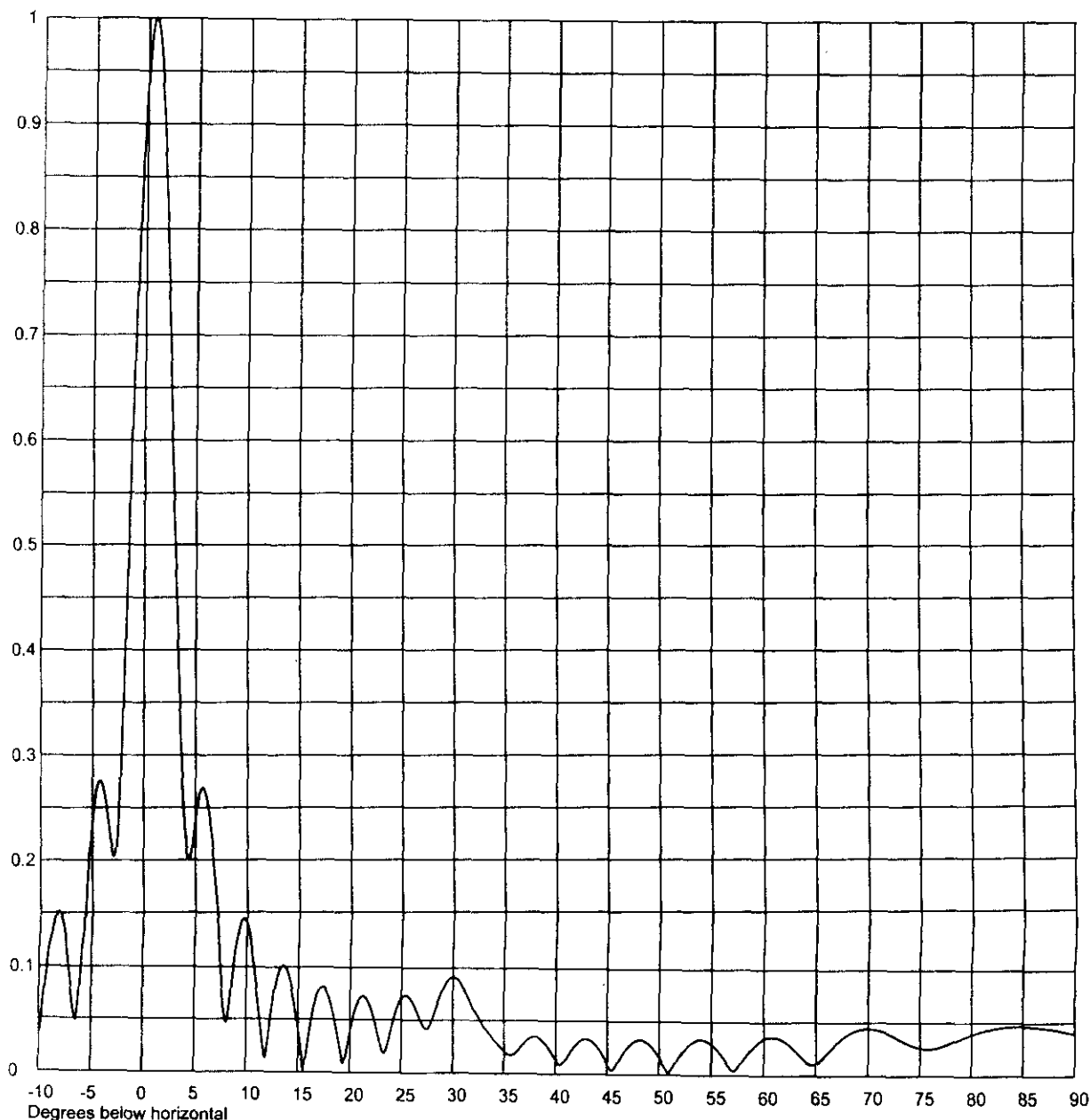


Exhibit No.  
#1

Date	18 Feb 2002	
Call Letters	NEW	Channel 20
Location	Lexington, KY	
Customer		
Antenna Type	TUA-C2-08/16U-T	

### ELEVATION PATTERN

RMS Gain at Main Lobe	15.7 (11.96 dB)	Beam Tilt	0.75 Degrees
RMS Gain at Horizontal	13.7 (11.37 dB)	Frequency	509.00 MHz
Calculated / Measured		Drawing #	08U157075-90



Remarks:



Exhibit No.  
#1

Date **18 Feb 2002**  
 Call Letters **NEW** Channel **20**  
 Location **Lexington, KY**  
 Customer  
 Antenna Type **TUA-C2-08/16U-T**

### TABULATION OF ELEVATION PATTERN

Elevation Pattern Drawing # **08U157075-90**

Angle	Field	Angle	Field	Angle	Field	Angle	Field	Angle	Field	Angle	Field
-10.0	0.028	2.4	0.703	10.6	0.108	30.5	0.088	51.0	0.002	71.5	0.041
-9.5	0.077	2.6	0.638	10.8	0.093	31.0	0.079	51.5	0.010	72.0	0.039
-9.0	0.120	2.8	0.571	11.0	0.075	31.5	0.071	52.0	0.018	72.5	0.036
-8.5	0.146	3.0	0.503	11.5	0.028	32.0	0.060	52.5	0.024	73.0	0.034
-8.0	0.148	3.2	0.436	12.0	0.026	32.5	0.052	53.0	0.029	73.5	0.031
-7.5	0.125	3.4	0.372	12.5	0.065	33.0	0.043	53.5	0.032	74.0	0.029
-7.0	0.080	3.6	0.314	13.0	0.091	33.5	0.037	54.0	0.033	74.5	0.027
-6.5	0.048	3.8	0.264	13.5	0.101	34.0	0.031	54.5	0.031	75.0	0.026
-6.0	0.099	4.0	0.227	14.0	0.093	34.5	0.026	55.0	0.028	75.5	0.025
-5.5	0.173	4.2	0.205	14.5	0.071	35.0	0.020	55.5	0.023	76.0	0.025
-5.0	0.235	4.4	0.199	15.0	0.038	35.5	0.017	56.0	0.017	76.5	0.026
-4.5	0.270	4.6	0.206	15.5	0.001	36.0	0.018	56.5	0.010	77.0	0.027
-4.0	0.272	4.8	0.220	16.0	0.034	36.5	0.024	57.0	0.004	77.5	0.029
-3.5	0.241	5.0	0.236	16.5	0.062	37.0	0.029	57.5	0.007	78.0	0.031
-3.0	0.205	5.2	0.250	17.0	0.077	37.5	0.033	58.0	0.014	78.5	0.033
-2.8	0.203	5.4	0.261	17.5	0.080	38.0	0.034	58.5	0.021	79.0	0.035
-2.6	0.217	5.6	0.268	18.0	0.069	38.5	0.032	59.0	0.026	79.5	0.037
-2.4	0.247	5.8	0.268	18.5	0.049	39.0	0.027	59.5	0.031	80.0	0.038
-2.2	0.292	6.0	0.264	19.0	0.022	39.5	0.020	60.0	0.034	80.5	0.040
-2.0	0.346	6.2	0.253	19.5	0.013	40.0	0.012	60.5	0.035	81.0	0.041
-1.8	0.408	6.4	0.238	20.0	0.038	40.5	0.008	61.0	0.035	81.5	0.043
-1.6	0.474	6.6	0.219	20.5	0.059	41.0	0.014	61.5	0.034	82.0	0.044
-1.4	0.542	6.8	0.195	21.0	0.070	41.5	0.022	62.0	0.031	82.5	0.045
-1.2	0.610	7.0	0.169	21.5	0.071	42.0	0.028	62.5	0.027	83.0	0.045
-1.0	0.677	7.2	0.141	22.0	0.061	42.5	0.032	63.0	0.023	83.5	0.046
-0.8	0.739	7.4	0.112	22.5	0.043	43.0	0.032	63.5	0.018	84.0	0.046
-0.6	0.798	7.6	0.084	23.0	0.023	43.5	0.030	64.0	0.013	84.5	0.046
-0.4	0.850	7.8	0.060	23.5	0.022	44.0	0.025	64.5	0.010	85.0	0.046
-0.2	0.896	8.0	0.047	24.0	0.041	44.5	0.018	65.0	0.011	85.5	0.046
0.0	0.935	8.2	0.050	24.5	0.059	45.0	0.009	65.5	0.015	86.0	0.046
0.2	0.965	8.4	0.066	25.0	0.070	45.5	0.004	66.0	0.020	86.5	0.045
0.4	0.986	8.6	0.085	25.5	0.073	46.0	0.011	66.5	0.026	87.0	0.045
0.6	0.998	8.8	0.103	26.0	0.068	46.5	0.019	67.0	0.030	87.5	0.044
0.8	1.000	9.0	0.119	26.5	0.057	47.0	0.026	67.5	0.035	88.0	0.043
1.0	0.993	9.2	0.130	27.0	0.045	47.5	0.030	68.0	0.038	88.5	0.042
1.2	0.975	9.4	0.139	27.5	0.041	48.0	0.032	68.5	0.041	89.0	0.041
1.4	0.949	9.6	0.143	28.0	0.050	48.5	0.031	69.0	0.043	89.5	0.040
1.6	0.914	9.8	0.143	28.5	0.065	49.0	0.028	69.5	0.043	90.0	0.039
1.8	0.871	10.0	0.139	29.0	0.078	49.5	0.022	70.0	0.044		
2.0	0.821	10.2	0.132	29.5	0.087	50.0	0.015	70.5	0.043		
2.2	0.764	10.4	0.122	30.0	0.090	50.5	0.007	71.0	0.042		

Remarks:

**CERTIFICATE OF SERVICE**

I hereby certify that on this 3rd day of September, 2002, a copy of the foregoing  
“Petition for Reconsideration” was hand delivered to the following:

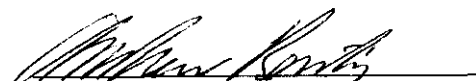
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